

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA	)	
DEPARTMENT OF VETERANS AFFAIRS,	)	
	)	
Plaintiff,	)	4:09CV3240
	)	
vs.	)	ORDER
	)	
RICKY E. ROHR and	)	
UNKNOWN SPOUSE OF RICKY E. ROHR,	)	
	)	
Defendants.	)	

This matter is before the court *sua sponte*, pursuant to [NECivR 41.2](#), which states in pertinent part: "At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution." On April 7, 2010, a clerk's entry of default was entered against both defendants. See [Filing No. 14](#). The defendants have failed to enter an appearance or seek for the clerk's entry of default to be set aside. Further, the plaintiff has failed to take any additional action against the defendants.

In any event, it remains the plaintiff's duty to go forward in prosecuting the case by, for example, filing a motion for entry of judgment against the defendants, pursuant to [Fed. R. Civ. P. 55\(b\)](#) and [NECivR 55.1\(b\)](#) or (c). Alternatively, the plaintiff may voluntarily dismiss the action against the defendants pursuant to [Fed. R. Civ. P. 41\(a\)](#) or be subject to involuntary dismissal pursuant to [Fed. R. Civ. P. 41\(b\)](#). Upon consideration,

**IT IS ORDERED:**

The plaintiff shall take appropriate action against the defendants or show cause why this case should not be dismissed for failure to prosecute on or before the close of business **May 25, 2010**.

DATED this 11th day of May, 2010.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge